



# California Regulatory Notice Register

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JUNE 10, 2005

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*Time-  
Dated  
Material*

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. COMMISSION ON STATE MANDATES

#### DIVISION 2. FINANCIAL OPERATIONS CHAPTER 2.5. ADMINISTRATION

##### NOTICE OF PROPOSED RULEMAKING

The Commission on State Mandates (Commission) proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

##### PUBLIC HEARING

The Commission will conduct a public hearing on July 28, 2005, for this proposed action if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

##### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at **5:00 p.m. on July 25, 2005**. The Commission will consider only comments received at the Commission offices by that time. Submit comments to:

Cathy Cruz, Program Analyst  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

##### AUTHORITY AND REFERENCE

Government Code section 17527, subdivision (g), authorizes the Commission to adopt the proposed regulations. The purpose of this rulemaking is to implement Government Code section 17530 and establish procedures for appeal of Executive Director decisions.

##### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission is a seven-member quasi-judicial body authorized to resolve disputes regarding the existence of state-mandated local programs (Gov. Code, § 17500 et seq.) and to hear matters involving

applications for a finding of significant financial distress (Welf. & Inst. Code, § 17000.6). The Commission proposes to amend section 1181 under article 1 of the California Code of Regulations, title 2, division 2, chapter 2.5.

Section 1181 delegates certain functions to the Commission itself or to the Executive Director. The Commission proposes to amend subdivision (c) of this section to establish procedures for appeal of Executive Director decisions.

### DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school district: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other non-discretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None

Significant effect on housing costs: None

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

*Small Business Determination:* Because the Commission has no jurisdiction over small businesses, the proposed regulatory action will have no impact on small businesses.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### **CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Cathy Cruz, Program Analyst  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 323-3562

The backup contact person for these inquiries is:

Nancy Patton, Assistant Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
Telephone: (916) 323-3562

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Cruz at the above address.

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Commission order to initiate rulemaking proceedings. Copies may be obtained by contacting Ms. Cathy Cruz at the address or phone number listed above. All persons on the Commission's interested persons mailing list will automatically be sent a copy of the rulemaking file.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments received, and holding a public hearing, if necessary, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ms. Cathy Cruz at the address indicated above. The Commission

will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Cathy Cruz at the above address.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.csm.ca.gov](http://www.csm.ca.gov).

### **TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by section 83112 of the Government Code and 2 Cal. Code of Regs., section 18312, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. A public hearing on the proposed regulation will be held on or after **July 14, 2005**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California 95814, commencing at approximately **9:30 a.m.** Written comments to be submitted to the Commission prior to the hearing must be received no later than **5:00 p.m. on July 12, 2005**, at the Commission offices.

#### **BACKGROUND/OVERVIEW**

The Act was adopted by the voters of California in 1974. The purpose for the conflict-of-interest provisions of the Act was to ensure that public officials, whether elected or appointed, would perform their duties in an impartial manner, free from any bias caused by their own financial interests or the financial interests of persons who have supported them. (Section 81001(b).)

In furtherance of this goal, the Act requires that a public official's assets and income, which may be materially affected by their official actions, should be fully disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest are avoided. (Section 81002(c).) Positions subject to disclosure under the Act fall into two separate categories. "Statutory filers" must disclose all of their economic interests. Statutory filers historically were limited to those persons listed in section 87200, which included persons holding positions as elected state officers, judges and commissioners of courts of the judicial

branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of planning commissions, boards of supervisors, district attorneys, county counsels, county treasurers, chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers, members of city councils, and other public officials who manage public investments (and candidates for any of the elected offices set forth above) all file pursuant to section 87200.

With respect to persons holding other governmental positions, historically it has been within the discretion of the agency (with approval of the code reviewing body) as to whether those persons file disclosure statements and how much they must disclose, based their ability to make or participate in making governmental decisions. These persons and their duties are set forth in the conflict of interest code of the agency and are often referred to as "code filers." (Section 87302(a).)

In 1990, a new type of statutory filer was added to the Act. Assembly Bill 2297 added two new provisions. New section 87350 provides:

"Notwithstanding any other provision of this title, a person required to file more than one assuming office statement, statement of economic interests, or leaving office statement, due to his or her status as a designated employee for more than one joint powers insurance agency, may elect to file a multiagency statement disclosing all investments in entities doing business in the state, all interests in real property located within the state, and all income received during the applicable time period, in lieu of filing the disclosure statements for each agency.

"The filer shall notify the Commission of his or her decision to become a multiagency filer. This status shall continue until revoked by the filer."

AB 2297 also added a new subdivision to section 87500 that provides:

"(m) Designated employees under contract to more than one joint powers insurance agency and who elect to file a multiagency statement pursuant to Section 87350, the original of the statement with the Commission which shall be the filing officer, and a statement with each agency with which they are under contract, declaring that their statement of economic interests is on file with the Commission and available upon request."

Proposed regulation 18735.5 describes with greater specificity the requirements of section 87350 and section 87500(m).

## DISCUSSION OF PROPOSED REGULATORY ACTION

*Adopt New Regulation 18735.5: Filing Dates for Assuming Office, Annual, or Leaving Office Statements of Economic Interests for Multiagency Filers of Joint Powers Insurance Agencies*

Proposed regulation 18735.5(a) provides the place of filing and general scope of disclosure as required by section 87350. Subdivisions (b)(1) through (3) set out the specific requirements for assuming office, annual and leaving office statements under the statute. Subdivision (c) provides that the multiagency filer specify all of the JPA's for which he or she works on the statement.

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Effect on State Government. This regulation will have no fiscal impact on any state agency or program.

Fiscal Effect on Federal Funding of State Programs. This regulation will have no fiscal impact on any federally funded state program or agency.

## AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

## REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code Sections as follows: sections 87350 and 87500

## CONTACT

Any inquiries concerning the proposals should be made to John W. Wallace, Fair Political Practices Commission, 428 J Street, Eighth Floor, Sacramento, California 95814, telephone (916) 322-5660. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## ADDITIONAL COMMENTS

After the hearing, the Fair Political Practices Commission may adopt the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Fair Political Practices Commission may make changes to the proposed regulation before its adoption.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in



Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation at a public hearing on or after **July 14, 2005**, at approximately **9:30 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **July 12, 2005**.

#### BACKGROUND/OVERVIEW

Section 87401 of the Political Reform Act (“Act”)<sup>1</sup>, states:

No former state administrative official, after the termination of his or her employment or term of office, shall for compensation act as agent or attorney for, or otherwise represent, any other person (other than the State of California) before any court or state administrative agency or any officer or employee thereof by making any formal or informal appearance, or by making any oral or written communication with the intent to influence, in connection with any judicial, quasi-judicial or other proceeding if both of the following apply:

- (a) The State of California is a party or has a direct and substantial interest.
- (b) The proceeding is one in which the former state administrative official participated.

Section 87402 states:

No former state administrative official, after the termination of his or her employment or term of office shall for compensation aid, advise, counsel, consult or assist in representing any other person (except the State of California) in any proceeding in which the official would be prohibited from appearing under Section 87401.

Section 87400(d) defines “participated” as:

- (d) “Participated” means to have taken part personally and substantially through decision, approval, disapproval, formal written recommendation, rendering advice on a substantial basis, investigation or use of confidential information as an officer or employee, but excluding approval, disapproval or rendering of legal advisory opinions to departmental or agency staff which do not involve a specific party or parties.

Regulation 18741.1(a)(4) provides that “. . . Any supervisor is deemed to have participated in any proceeding which was ‘pending before,’ as defined in 2 Cal. Code Regs. Section 18438.2, subdivision (b), the official’s agency and which was under his or her supervisory authority.”

At the time this language was adopted, it was intended to codify what had been long standing advice that a supervisor was deemed to have participated if he or she was in the agency’s supervisory chain-of-command for the proceeding while employed by the agency. This interpretation was first approved by the Commission in April 1991, when it passed a motion approving the *Brown* Advice Letter, which incorporated that advice. In 1999, the Commission codified that advice in regulation 18741.1.

In 2000, the Commission revisited the issue in its opinion—*In re Lucas* (2000) 14 FPPC Ops. 15. In that opinion, the Commission indicated that the chain-of-command theory does not necessarily go all the way to the top agency officials without some degree of personal involvement in the proceeding by those officials. As a result the Commission modified the strict chain-of-command theory, stating that “[w]here an official who is responsible primarily for creation and implementation of general policies has no such personal involvement in individual audits, the official will not be deemed to have ‘participated’ in those audits for purposes of the permanent ban.”

The proposed amendments to regulation 18741.1 conform the language of the regulation to the Commission’s opinion in *Lucas* and describe with greater specificity what level of supervision invokes the provisions of the permanent ban under sections 87401 and 87402.

#### REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18741.1: The Commission may consider whether regulation 18741.1 should be amended to provide guidance with regard to the term “supervisory authority” and the extent to which a supervisor is considered to have participated in a proceeding by virtue of that supervisor’s position.

The proposed language includes:

For purposes of this regulation, a proceeding is under a supervisor’s “supervisory authority” if the supervisor:

- (A) Has duties that include primary responsibility within the agency for directing the operation or function of the program where the proceeding is initiated or conducted; or
- (B) Has direct supervision of the person performing the investigation, review, or other action involved in the proceeding including, but not limited to, assigning the matter for which the required conduct is taken; or
- (C) Reviews, discusses, or authorizes any action in the proceeding; or

<sup>1</sup> All references are to the Government Code unless otherwise noted.

(D) Has any contact with any of the participants in the proceeding regarding the subject of the proceeding.

“Supervisory authority” does not include a supervisor, at a higher level within the agency’s chain-of-command than the supervisor identified in subsection (a)(4)(A) above, with responsibility for the general oversight of the administrative actions or functions of a program where the responsibilities concerning the specific or final review of the proceeding are expressly delegated to other persons in the agency’s structure (i.e. supervisors under subsection (a)(4)(A) above) unless the higher level supervising official has actual involvement in the proceeding as set forth in subsections (a)(4)(C) or (D) of this regulation.

The proposed regulatory language which may be examined by the Commission is limited to the interpretation of sections 87400, 87401, and 87402, and is not intended to impact other provisions of the Act.

#### SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its opinion in *Lucas* and past advice with respect to a supervisor’s participation in a proceeding.

#### FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

#### AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

#### REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 87400, 87401 and 87402.

#### CONTACT

Any inquiries should be made to William J. Lenkeit, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## TITLE 10. DEPARTMENT OF INSURANCE

### NOTICE OF INTENTION TO ADOPT OR AMEND A CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Department of Insurance intends to adopt or amend a conflict-of-interest code pursuant to Government Code Section 87300 and 87306. Pursuant to Government Code Section 87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on June 10, 2005 and terminating on July 25, 2005. Any interested person may present written comments concerning the proposed code no later than July 25, 2005 to the Department of Insurance, Business Mgmt. Bureau, 300 Capitol Mall, Suite 1300, Sacramento, CA 95814. No public hearing on this matter will be held unless any interested person or his or her representative requests no later than 15 days prior to the close of the written comment period, a public hearing.

The Department of Insurance has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

The Department of Insurance proposes to amend its Conflict-of-Interest Code to include employee positions that involves the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The positions being added to the Conflict-of-Interest Code include the following: Legal Assistants and Paralegals in Legal Division; all Special Investigative Unit (SIU) Auditors; all Fraud Grant Unit Auditors; all Associate Government Analysts, Staff Services Analysts, and Program Technicians in the Licensing Background Bureau. All Staff Services Analysts in the Education Unit, Producer Licensing Bureau.

Copies of the proposed code and all of the information upon which it is based may be obtained from the Department of Insurance, Business Mgmt. Bureau, 300 Capitol Mall, Suite 1300, Sacramento, CA 95814. Any inquiries concerning the proposed code should be directed to Rick Flores, Chief, Business Management Bureau, (916) 492-3354, [floresr@insurance.ca.gov](mailto:floresr@insurance.ca.gov) or Patrick Applewhite, Assistant Chief, Business Management Bureau, (916) 492-3333, [applewhitep@insurance.ca.gov](mailto:applewhitep@insurance.ca.gov).

The Department of Insurance has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Insurance must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Rick Flores, Chief  
Business Management Bureau  
Department of Insurance  
300 Capitol Mall, Suite 1300  
Sacramento, CA 95814  
Tel: (916) 492-3532  
E-mail: [floresr@insurance.ca.gov](mailto:floresr@insurance.ca.gov)

## TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

### NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Veterans Affairs (Department) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

### PROPOSED REGULATORY ACTION

The Department proposes to adopt the following in Title 12 of the California Code of Regulations:

- Section 503 (f), Subchapter 1, Chapter 4, Division 2, which concerns the levels of care at California Veterans Homes.

### PUBLIC HEARING

The Department has not scheduled a public hearing. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public

hearing to the Department no later than 15 days prior to the close of the written comment period.

Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Written comments must be received no later than 5:00 p.m. Monday, July 25, 2005.

Jerry Jones, Chief Legislation and Public Affairs  
California Department of Veterans Affairs  
1227 O Street, Room 300  
Sacramento, CA 95814  
[jerry.jones@cdva.ca.gov](mailto:jerry.jones@cdva.ca.gov)  
FAX (916) 653-2611

### AUTHORITY AND REFERENCE

Military and Veterans Code (M&V Code) Sections 700 and 1044 authorize the Department to adopt the proposed regulations, which would implement, interpret or make specific Sections 1011, 1012 and 1043 of the M&V Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Military and Veterans Code Section 1011 provides for the establishment and construction of Veterans Homes in multiple locations. M&V Code Section 1012 provides the purpose of the Veterans Homes, persons who are eligible, and the conditions for admission to the Homes. M&V Code Section 1043 provides that except for officers and employees and their families, no person shall be admitted to reside in the Homes, who is not eligible under Section 1012.

Section 503(f) will specify that no direct admissions from outside sources to the Skilled Nursing Level of Care at the Veterans Homes shall be permitted if such admission to that level of care would preclude the admission to this level of care of a veteran who is already a current resident of a California Veterans Home. The purpose of Section 503(f) of the proposed regulations is to specify that the Veterans Homes may open admissions to the Skilled Nursing Level of Care from outside sources if the Homes have the capacity to do so without negative impact upon current residents of the Homes who may need to be admitted to that level of care.

### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following determinations*

- Mandate on local agencies and school districts: None.



- Cost or savings to any state agency: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other non-discretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states: The initial determination is that there is no statewide adverse economic impact.
- Cost impacts on a representative private person or business. The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The adopting of the subject regulations does not require a report.
- Significant effect on housing costs: None.
- Small Business Determination: The Department has determined that the proposed regulations do not affect small business.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSON

Please direct any inquiries or comments pertaining to the proposed action to:

##### Primary Contact

Jerry R. Jones  
Chief, Legislation and Public Affairs  
Department of Veterans Affairs  
1227 O Street  
Sacramento, CA 95814  
Telephone: (916) 653-2192

##### Secondary Contact

William Parente  
Deputy Secretary  
Department of Veterans Affairs  
1227 O Street  
Sacramento, CA 95814  
Telephone: (916) 653-2158

Questions on the substance of the proposed regulations may be directed to either Mr. Jones or Mr. Parente.

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any or other information upon which the rulemaking is based to:

Rebecca Brown  
Secretary, Legislation and Public Affairs  
Department of Veterans Affairs  
1227 O Street  
Sacramento, CA 95814  
Telephone: (916) 653-2192

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at 1227 O Street, Room 300, Sacramento, CA 95814. The text of proposed regulations and initial statement of reasons are also available on the Internet, at [www.cdva.ca.gov](http://www.cdva.ca.gov).

When the final statement of reasons has been prepared, it will also be available at this website.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Ms. Brown at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention Rebecca Brown of the Legislative and Public Affairs Office at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Brown at the above address.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.cdva.ca.gov](http://www.cdva.ca.gov).

**TITLE 15. DEPARTMENT  
OF CORRECTIONS**

**NOTICE IS HEREBY GIVEN** that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058 in order to implement, interpret and make specific PC Section 5054, proposed to amend or adopt Sections 3287 in the California Code of Regulations (CCR), Title 15, Division 3 relating to clothed body searches of inmates.

**PUBLIC HEARING**

Date and Time: August 1, 2005, 9:00am to 12:00am

Place: Resource Agency Auditorium  
1416 Ninth Street  
Sacramento, CA 95814

Purpose: To receive comments about  
this action.

**PUBLIC COMMENT PERIOD**

The public comment period will close August 1, 2005 at 5:00 pm. Any person may submit public comments in writing (by mail, by fax, or e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)358-2636; or by e-mail at [RPMB@executive.corr.ca.gov](mailto:RPMB@executive.corr.ca.gov) before the close of the comment period.

**CONTACT PERSON**

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Telephone (916) 358-1655

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Ann Cunningham  
Regulation Management Unit  
Telephone (916) 358-1655

Questions regarding the substance of the proposed regulatory action should be directed to:

Capt. Tim Quackenbush  
Regional Administration South  
Telephone (916) 323-2812

**LOCAL MANDATES**

This action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement pursuant to Government Code Section 17561.

**FISCAL IMPACT STATEMENT**

- Cost or savings to any state agency: *None*
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

**EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

**COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESS**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**EFFECT ON SMALL BUSINESSES**

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

**ASSESSMENTS OF EFFECTS ON JOB  
AND/OR BUSINESS CREATION,  
ELIMINATION OR EXPANSION**

The Department has determined that the proposed regulation will have no affect on the creation of new or

the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

#### AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, Initial Statement of Reasons, and the Notice of Proposed Action will also be made available on the Department's website

<http://www.cdc.state.ca.us>.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

- This action amends provisions governing body inspections of clothed female inmates and clothed male inmates within the Department. California Code of Regulations, Section 3287, is being amended to afford a gender-appropriate process to accomplish body inspections of clothed inmates.
- This regulation requires that non-emergency body inspections of clothed female inmates be performed by female correctional employees. The Department asserts that minimizing cross-gender contact during routine searches of female inmates serves the legitimate penological interests of maintaining prison security, rehabilitating inmates, and reducing the potential of sexual misconduct and harassment litigation. Additionally, this regulation will continue to allow routine inspections of clothed male inmates to be performed by custody employees of either sex.
- This regulation considers privacy concerns unique to female inmates while maintaining the safety and security of the staff at the institution, and eliminates the requirement that male correctional officers perform body searches of female inmates on a routine basis. A 9th Circuit Court decision, *Jordan v. Gardner*, 986 F.2d 1521, (9th Cir. 1992), found that searches of female inmates by male officers violate a women's Eighth Amendment rights to be free from cruel and unusual punishment when the cross-gender searches of females by male officers were random, non-emergency, without suspicion and conducted on women inmates who had prior histories of abuse and would likely feel re-victimized by the intimate contact.

## TITLE 16. CALIFORNIA ARCHITECTS BOARD

### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, at 10:00 a.m. on July 28, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office at the above

address not later than July 27, 2005 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret, or make specific Section 5550 of said Code, the California Architects Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### **Amend Section 119.6—Computer-Based Examination Transition Plan**

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Sections 5550 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations.

Existing regulations specify the transition plan for previous divisions of the licensing examination to the current divisions of the computer-based Architect Registration Examination (ARE).

This proposal would amend the regulations in order to:

- Update the title of one of the ARE divisions from “Materials and Methods” to “Building Design / Materials & Methods.”

##### **Amend Section 120—Re-Examination**

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Sections 5550 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations.

Existing regulations specify the re-examination procedures for candidates who must retake divisions of the ARE.

This proposal would amend the regulations in order to:

- Clarify the procedures for re-examination for divisions taken prior to January 1, 2006.
- Establish the procedures for re-examination for divisions taken on or after January 1, 2006, including the provision for conditional credit for passed divisions that shall remain valid for five years after the date a division was passed and that shall become full credit only if all remaining divisions have been passed within that five-year period.

#### FISCAL IMPACT ESTIMATES

##### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State**

The proposed regulatory action will not result in costs or savings to any state agency, costs or savings to any local agency or school district that is required to be reimbursed under Part 7 of Division 4 (commencing with Section 17500 of the Government Code), other nondiscretionary costs or savings on local agencies, or costs or savings in federal funding to the state.

##### **Nondiscretionary Costs/Savings to Local Agencies**

None

##### **Local Mandate**

The proposed regulatory action does not impose a mandate on local agencies or school districts.

##### **Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement**

None

##### **Business Impact**

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only candidates for examination and licensure.

##### **Impact on Jobs/New Businesses**

The proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California, because it affects only candidates for examination and licensure.



**Cost Impact on Representative Private Person or Business**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Housing Costs**

The proposed regulatory action will not have a significant effect on housing costs.

**EFFECT ON SMALL BUSINESS**

The proposed regulatory action will not affect small businesses, because it only affects candidates for licensure.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be either more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposed regulatory action. The actual determination must be part of both the Initial and Final Statement of Reasons.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, 95814, or by telephoning the contact person listed below.

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE**

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

**CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

California Architects Board  
400 R Street, Suite 4000  
Sacramento, CA 95814  
Attn: Vickie Mayer  
(916) 324-9913  
(916) 323-0098 (FAX)  
vickie\_mayer@dca.ca.gov

The backup contact person is:

Sue Martin  
(916) 445-3394  
(916) 445-8524 (FAX)  
sue\_martin@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Vickie Mayer at (916) 324-9913.

**WEBSITE ACCESS**

Materials regarding this proposal can be found at [www.cab.ca.gov](http://www.cab.ca.gov).

**TITLE 22. DEPARTMENT OF  
HEALTH SERVICES**

**SUBJECT: Disinfectants and Disinfection  
Byproducts in Drinking Water, R-62-00**

**PUBLIC PROCEEDINGS**

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

**CONTACTS**

**In any inquiries or written comments, please identify the action by using the Department regulation control number, R-62-00:**

**COMMENTS**

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on July 25, 2005, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Services, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or
3. By email to [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov) (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "R-62-00" in the subject line to facilitate timely identification and review of the comment), or
4. By using the "Making Comments" link to the Department website at <http://www.dhs.ca.gov/regulation/>.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

#### TO OBTAIN THE REGULATIONS REFERENCED IN THIS NOTICE

1. Materials regarding these regulations (including this public notice, the regulation text, and the Initial Statement of Reasons) that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/> and then clicking on the "Select DHS regulations" button.
2. In order to request a copy of this regulation package be mailed to you, please call (916) 440-7695 or email [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov).

#### INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Alexis M. Milea, P.E., Chief of the Standards and Technology Unit, Drinking Water Program at (510) 540-2177.

All other inquiries concerning the action described in this notice may be directed to Don Lee of the Office of Regulations at (916) 440-7673, or to the designated backup contact person, Linda Tutor, at (916) 440-7697.

Upon request, this document will be made available in Braille, large print, and audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write: Don Lee, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7673 and/or California Relay at 711/1-800-735-2929.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (USEPA) under the Safe Drinking Water Act (42 U.S.C. 300f, et seq.) as well as by the California Department of Health Services (Department) under the California Safe Drinking Water Act (Sections 116270-116751, Health and Safety Code [H&S Code]). California has been granted "primacy" for the enforcement of the Federal Act. In order to receive and maintain primacy, states must promulgate regulations that are no less stringent than the federal regulations.

On December 7, 1998, with revisions on January 16, 2001, the USEPA promulgated regulations that required water systems to comply with a combination of new maximum contaminant levels (MCLs), maximum residual disinfectant levels (MRDLs) and a treatment technique to improve control of disinfectant and disinfection byproducts (Federal Register, Vol. 63, No. 241 and Federal Register, Vol. 66, No. 10). These requirements, known as the Disinfectants/Disinfection Byproducts Rule (DBPR), apply to all utilities defined as community or nontransient-noncommunity systems that treat their water with a chemical disinfectant.

Pursuant to federal primacy requirements and section 116375 of the H&S code, the Department proposes the following changes to title 22:

#### Chapter 15, Article 1

- To amend section 64400 by revising the definition of acute risk.
- To amend sections 64400.30, 64400.40, 64400.42, 64400.44, 64400.45, and 64400.47 by changing the section numbers to 64400.25, 64400.28, 64400.30, 64400.32, 64400.34, and 64400.42, respectively.
- To add necessary definitions by adopting sections 64400.36, 64400.38, 64400.40, 64400.45, 64400.47, 64400.67, 64401.65, 64401.82, and 64401.92.

#### Chapter 15, Article 4.5

- To amend section 64439 (Trihalomethanes requirements) by updating the Federal Register citations, thereby incorporating by reference any revisions to sections 141.2 (p), (q), (r), (s) and (t), 141.6, 141.2 and 141.30 of Title 40, Code of Federal Regulations (CFR), as published in the December 16, 1998, Federal Register (Vol. 63, No. 241) and the January 16, 2001, Federal Register (Vol. 66, No 10).

#### Chapter 15, Article 19

- To amend section 64464.3 (Public notification-water quality failure), by adding provisions for disinfectants and disinfection byproducts and deleting provisions for nitrate (redundant as nitrate MCL

is included in Section 64431 for inorganic chemicals) and turbidity (obsolete as turbidity is now regulated under Chapter 17, Surface Water Treatment Rule).

- To amend section 64464.6 (Public notification-procedural failure), by adding provisions for disinfectants, disinfection byproducts, and disinfection byproduct precursors.
- To amend section 64465 (Notification of an acute risk), by adding provisions for disinfectants.
- To adopt section 64468.5 (Health effects language for disinfectants and disinfection byproducts).

#### Chapter 15.5

- To amend title 22 by adopting chapter 15.5 and the following sections detailing disinfectant residuals, disinfection byproducts, and disinfection byproduct precursor requirements:
  - Section 64530 Applicability of this chapter
  - Section 64531 Definitions governing terms used in this chapter
  - Section 64533 Maximum contaminant levels for disinfection byproducts
  - Section 64533.5 Maximum residual disinfectant levels
  - Section 64534 General monitoring requirements. This section incorporates by reference both sections 141.131 of Title 40, CFR, as published in the December 16, 1998, Federal Register (Vol. 63, No. 241) and revised in the January 16, 2001, Federal Register (Vol. 66, No. 10) and 40 CFR Part 141 Subpart M (Information Collection Rule), as published in the May 14, 1996 Federal Register (Vol. 61, No. 94).
  - Section 64534.2 Disinfection byproducts monitoring
  - Section 64534.4 Disinfectant residuals monitoring
  - Section 64534.6 Disinfection byproduct precursors (DBPP) monitoring
  - Section 64534.8 Monitoring plans
  - Section 64535 General requirements for determining compliance
  - Section 64535.2 Determining disinfection byproducts compliance
  - Section 64535.4 Determining disinfectant residuals compliance
  - Section 64536 Alternatives to the enhanced coagulation and enhanced softening requirements

- Section 64536.2 Enhanced coagulation and enhanced softening performance
- Section 64536.4 Disinfection byproduct precursor (DBPP) compliance calculations
- Section 64536.6 Disinfection byproduct precursor (DBPP) public notification requirements
- Section 64537 General reporting requirements
- Section 64537.2 Disinfection byproducts reporting
- Section 64537.4 Disinfectants reporting
- Section 64537.6 Disinfection byproduct precursors and enhanced coagulation or enhanced softening reporting

The Department has made a few minor changes to the federal language, as allowed under the federal primacy requirements:

In subsection 64533(b), the Department added “or other technology to limit disinfection byproducts” in addition to granular activated carbon (GAC) and membranes.

For clarity, the Department has also made minor changes in the language of other sections consistent with the federal intent and as allowed under the federal primacy requirements.

The net effect is that:

Community water systems and nontransient-noncommunity water systems that provide or treat water with a chemical disinfectant in any part of the treatment process would be required to comply with the MCLs for disinfectant byproducts, the MRDLs for disinfectants and the treatment technique requirements for disinfection byproduct precursors.

Transient noncommunity systems using chlorine dioxide would be required to comply with the requirements for chlorine dioxide.

None of the proposed amendments would affect California’s primacy status, because the net effect of these amendments is that the state’s regulation would be at least as stringent as the federal regulation.

#### AUTHORITY

Sections 100275, 116325, 116350, 11370, 116375, 116385, and 116450, Health and Safety Code.

#### REFERENCE

Sections 100275, and 116275 through 116750, Health and Safety Code.

#### FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: The estimated cost to local governments, which operate public water systems, is \$114 million annually to implement the proposed DBPR monitoring and compliance requirements.

- B. Fiscal Effect on State Government: The estimated cost to state government is \$1.5 million annually to implement the proposed DBPR monitoring and compliance requirements.
- C. Fiscal Effect on Federal Funding of State Programs: The estimated cost to the federal government is \$1.2 million annually to implement the proposed DBPR monitoring and compliance requirements.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The estimated cost to private persons and businesses which operate public water system is \$20,904,000 annually to implement the proposed DBPR monitoring and compliance requirements.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

#### DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code because this regulation implements the Federal mandate contained in the Federal Register Vol. 63, No. 241, December 16, 1998.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- 1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any affect in this area in that there would not be any significant change in water system or regulatory personnel needed for compliance with the new requirements.
- 2. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the water industry is such that the adoption of the proposed regulations would not result in the creation or elimination of water systems. The impact of the proposed regulations would be insignificant. The proposed regulations would not have any affect on the number of businesses in California.

- 3. The expansion of businesses currently doing business within the State of California. Since water system size is basically a function of the number of service connections (consumers) served, the proposed regulations should not have any affect on expansion.

The Department has determined that the regulations would not affect small business because Government Code section 11342.610(b)(8) excludes utilities and water companies from the definition of small business.

The Department has determined that the regulations will have no impact on housing costs.

The Department has determined that no alternative considered by the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. A copy of the initial statement of reasons and a copy of the text of the proposed regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the proposed regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

#### ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is



proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Don Lee, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7673 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten working days prior to a public hearing.

## **TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

### **45-DAY PUBLIC NOTICE AND COMMENT PERIOD**

#### **NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

##### **Department Reference Number: R-2005-14**

**NOTICE IS HEREBY GIVEN** that the Department of Toxic Substances Control (DTSC), pursuant to the authority vested in it by section 87306 of the Government Code, proposes to amend its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

DTSC proposes to amend its conflict of interest code to accomplish two goals: (1) to remove employee classifications formerly included in category 1, where inclusion of these classifications has resulted in disclosure by employees that is stricter than what is mandated by the Political Reform Act; and (2) to reduce the number of duplicative listings of employee civil services classifications by consolidating them by classification into one heading followed by the wording "all levels." The employee classifications proposed for removal from category 1 currently do not influence the making, or participate in the making of, decisions which may foreseeably have a material

financial effect on any financial interest other than those listed in category 2. The proposed amendment also includes minor corrections to classification titles, minor corrections of two typos, and alphabetizing the list.

### **PUBLIC HEARING AND WRITTEN COMMENT PERIOD**

A written comment period has been established commencing on June 10, 2005, and closing on July 25, 2005. DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on July 25, 2005 in the **Byron Sher Auditorium**, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on July 25, 2005 will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA Headquarters Building located at 1001 "I" Street, Sacramento, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

### **AVAILABILITY OF DOCUMENTS**

DTSC has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the notice, proposed amendments, and the written explanation of the reasons are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Mr. Mark Abrams, as specified below. Those documents, as well as the information on which the amendments are based, are also available from Mr. Abrams at the address listed below.

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

#### **DETERMINATIONS**

DTSC has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, DTSC must determine that no alternative considered by the department would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

#### **INQUIRIES AND COMMUNICATIONS**

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Mr. James McRitchie, Chief, Office of Environmental Analysis, Regulations and Audits at (916) 327-8642 or, if unavailable, Ms. Nicole Sotak, Chief, Environmental Analysis and Regulations Section at (916) 327-4508. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please sign up on the DTSC listserv site at <http://www.calepa.ca.gov/Listservs/DTSC/> or e-mail: [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov). Make sure you reference rulemaking R-2005-14 in the email.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Mr. Mark Abrams, Regulations  
Coordinator  
Environmental Analysis and  
Regulations Section  
Department of Toxic Substances  
Control

Mailing Address: P.O. Box 806  
Sacramento, CA 95812-0806

E-mail Address: [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov)

Fax Number: (916) 323-3215

Mr. Abrams's phone number is (916) 322-2833. If Ms. Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

## **TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT**

### **California Code of Regulations Section 311-1**

#### **CONFLICT OF INTEREST CODE**

The Employment Development Department (Department) proposes to amend its Conflict of Interest Code, printed in California Code of Regulations (CCR), title 22, section 311-1. The Department will adopt these amendments after considering all comments, objections, or recommendations regarding the proposed action.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The existing Appendix to section 311-1 lists those designated employees in the Department who are required to file statements of economic interest, pursuant to Government Code sections 87100 through 87102, and the disclosure category for each of those designated employees. The proposed changes to the Appendix:

- (1) Add additional positions;
- (2) Delete from the list of designated employees positions which no longer exist within the Department; and
- (3) Correct the titles of designated employees for positions which have changed due to reorganization.

#### **AUTHORITY AND REFERENCE**

Authority: Sections 87300 and 87306, Government Code.

Reference: Sections 87300, 87301, 87302 and 87306, Government Code.

#### FISCAL IMPACT

**Anticipated costs or savings in federal funding to the State:** None

**Anticipated costs or savings to any State Agency:** None

**Anticipated costs or savings to any local agency or school district:** None

**Significant statewide adverse economic impact:** The Department does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

**The costs impact on representative persons or businesses:** The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory amendments.

**Anticipated impact on housing costs:** These proposed amendments will have no effect on housing costs.

**Anticipated nondiscretionary costs or savings imposed upon local agencies:** None.

#### SMALL BUSINESS IMPACT

These proposed amendments will not have any impact upon small businesses because they will only affect employees of the Department.

#### LOCAL MANDATE DETERMINATION

The Department has determined that these proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with section 17500), Division 4 of the Government Code.

#### CONSIDERATION OF ALTERNATIVES

In accordance with section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or

would be as effective and less burdensome to affected private persons than the proposed regulatory amendments.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi. **The written comments must be submitted via U.S. mail, fax, or e-mail, to the Department no later than July 25, 2005, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

#### CONTACT PERSONS

Inquiries or comments should be directed to:

(Mailing address) Laura Colozzi, Legal Analyst  
Employment Development  
Department  
P. O. Box 826880  
Legal Office, MIC 53  
Sacramento, CA 94280-0001

(Hand delivery) Laura Colozzi, Legal Analyst  
Employment Development  
Department  
800 Capitol Mall, Room 5020  
Legal Office, MIC 53  
Sacramento, CA 95814

Telephone No.: (916) 654-7712

Fax No.: (916) 654-9069

E-Mail Address: [eddlegal@edd.ca.gov](mailto:eddlegal@edd.ca.gov)

**Note:** In the event Laura is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers

Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed amendments should be directed to:

Name: Manuela Rumsey

Telephone No.: (916) 654-8410

#### PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on July 25, 2005.** A request for hearing can be made by contacting Laura as noted above.

#### MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

#### FINAL STATEMENT OF REASONS

After the close of the 45-day written comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact Laura Colozzi at (916) 654-7712.

#### FURTHER INFORMATION

The Department has prepared and has available for review, upon request, the text of the proposed regulatory amendments discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the amendments; and the information upon which the Department relied in proposing the amendments. (If you received this notice by mail, a copy of the text of the proposed amendments and the statement of reasons were enclosed.)

Copies of the proposed regulation may be obtained from the Legal Office of the Employment Development Department, 800 Capitol Mall, Room 5020, Sacramento, California, 95814, or by contacting Laura Colozzi at (916) 654-7712.

All the information upon which the proposed amendments are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact Laura Colozzi at (916) 654-7712.

## **TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

### **NOTICE OF PROPOSED RULEMAKING FOR THE ENTERPRISE ZONE PROGRAM FEE REGULATIONS**

Notice is hereby given that the Department of Housing and Community Development (Department) proposes to adopt regulations governing the Enterprise Zone Program. The purpose of these regulations is to set fees to be paid by an enterprise zone employer that hires eligible employees. These regulations implement

and interpret Chapter 12. 28 (commencing with Section 7070) of Division 7 of Title 10, Government Code, which establishes the Enterprise Zone Act; and Sections 17053.74(c) and 23622(c) of the Revenue and Taxation Code.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period begins on June 10, 2005 and closes at 5:00 p.m. on July 25, 2005. Please address your comments to Frank Luera, Division of Community Affairs, Enterprise Zone Program, P.O. Box 952054, Sacramento, California 94252-2054. Comments can be sent via fax transmittal to (916) 322-0129 attention: Frank Luera, Enterprise Zone Program. Or via e-mail at [fluera@hcd.ca.gov](mailto:fluera@hcd.ca.gov).

#### PUBLIC HEARINGS

No public hearing is currently scheduled; however, if there is sufficient interest in holding a public hearing, a hearing may be scheduled no later than 15 days prior to the close of the written comment period. A request for a public hearing should be made in writing to the contact person listed below.

#### AUTHORITY AND REFERENCE

The Department is conducting this rulemaking activity under the authority provided by Government Code sections 7073 and 7076. They implement and make specific Government Code Sections 7076 and 7086.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of this regulatory action is to establish a process by which local enterprise zone administrators collect and remit fees to the Department to offset the Department's costs of administering the program.

**§ 8430. Purpose and Scope.** This section provides a statement of the program regulations authority, purpose and the general activities.

**§ 8431. Definitions.** This section provides the definitions of key terms used throughout the body of regulations. These definitions are descriptive, are adopted in order to shorten the text of the regulations, and for ease of reference, and are not "interpretive."

**§ 8432. Amount of Department Fee.** The purpose of this section is to set the actual amount of the fee that must be remitted by each zone. Prior to the introduction of SB 1097, the Department developed cost estimates for administration of the Enterprise Zone Program transferred from TTCA.

**§ 8433. Procedure for Remittance of Department Fees.** This section is necessary in order to



inform enterprise zones of what procedure to follow for remittance of fees to the Department.

**§ 8434. Noncompliance.** The purpose of Section 8334 is to induce compliance by Enterprise Zones with new fee remittance requirements.

#### IMPACT OF PROPOSED REGULATIONS

The program will create jobs within the State of California, is unlikely to create or eliminate businesses within the State of California, but will lead to the expansion of businesses currently doing business within the State of California. The exact numbers can not be calculated because this is a voluntary program, and it is unknown how many businesses will participate, and what impact that participation will have upon the business operations in the future.

#### EFFECT ON SMALL BUSINESS

The proposed regulations will affect small businesses within an Enterprise Zone. However the regulations do not mandate or require small businesses to take any prescribed action, the program is voluntary if they wish to receive tax credits.

#### LOCAL MANDATE

The proposed regulatory activity will not impose a mandate on local agencies or school districts. Participation in the program is voluntary.

#### FISCAL IMPACT

There is no cost impact on private persons and the cost to businesses directly affected is expected to be minimum. Participation in the program is voluntary.

- Cost or savings to any state agency—None
- Cost or savings in federal funding to the state—None
- Other non-discretionary cost or savings imposed upon local agencies—This regulation is for a fee to fund staffing. The cost that locals will incur in collecting the fee will vary from zone to zone, but we estimate total costs of \$180,000 to \$220,000 for 2004–05.
- Cost to any local agency or school district for which Government Code section 17500–17630 requires reimbursement—None

#### EFFECT ON HOUSING COSTS

The focus of the Enterprise Zone program regulations is to stimulate business and industrial growth in depressed areas of the state. It is not anticipated that there will be any impact on housing costs.

#### INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY EFFECTING BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant

statewide adverse economic impact directly effecting businesses, including the ability of California businesses to compete with businesses in other states.

#### ASSESSMENT STATEMENT

The Department has determined that the regulations will not significantly affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California. In any case, participation in the program would be voluntary.

#### STATEMENT OF POTENTIAL COSTS IMPACT ON PRIVATE PERSONS AND BUSINESS DIRECTLY AFFECTED

The Department is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

#### CONSIDERATION OF ALTERNATIVES

The Department of Housing and Community Development must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons, prepared by the Department, which provides the reasons for the proposals. All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available for inspection at the address noted below. Copies can be obtained by contacting Frank Luera at the address and telephone number noted below. The regulations are also available on the Departments web site at: [www.hcd.ca.gov](http://www.hcd.ca.gov).

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Frank Luera at the address indicated below. The

Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF  
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

**AVAILABILITY OF FINAL  
STATEMENT OF REASONS**

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

**CONTACT INFORMATION PERSON**

HCD: Lenora Frazier  
(916) 323-7288

HCD Back-Up: Frank Luera  
(916) 323-7258

HCD Address: State Department of Housing and  
Community Development  
1800 Third Street, Room 405  
Sacramento, California 95814

HCD Website: Copies of the Notice of Proposed  
Action, the Initial Statement of Rea-  
sons, and the text of the regulations  
may be accessed through our website  
at [www.hcd.ca.gov](http://www.hcd.ca.gov)

HCD Facsimile No: (916) 322-0129

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Direct inquiries concerning the substance of the proposed rulemaking action and any requests for the documents noted above should be made to:

Frank Luera  
Division of Community Affairs—  
Enterprise Zone Program  
State Department of Housing  
and Community Development  
1800 3rd Street Room 405  
Sacramento, California 95814-6900  
Telephone (916) 323-7258  
Fax (916) 322-0129  
[fluera@hcd.ca.gov](mailto:fluera@hcd.ca.gov)

**DECISION NOT TO PROCEED**

**CALIFORNIA ARCHITECTS BOARD**

**NOTICE OF DECISION NOT TO PROCEED  
WITH RULEMAKING ACTION**

The California Architects Board has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on May 13, 2005, OAL File # Z-05-0502-03, concerning Title 16, Division 2, sections 119.6 and 120. The Board plans to re-notice this proposal.

**RULEMAKING PETITION  
DECISIONS**

**DEPARTMENT OF CORRECTIONS**

**NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS**

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 3, Department of Corrections**

**PETITIONER**

Anthony Stitt

**AUTHORITY**

Under authority established in Penal Code (PC) Section 5058, the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management, and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

**CONTACT PERSON**

Please direct any inquiries regarding this action to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 358-1655.

**AVAILABILITY OF PETITION**

The petition to amend regulations is available upon request directed to the Department's contact person.

**SUMMARY OF PETITION**

Petitioner requests the Department of Corrections to amend or repeal Department Operations Manual (DOM) Section 53110 to allow for the Inmate

Advisory Council to be able to supervise all phases of a Charitable Fund Raising activity. Petitioner requests the Department of Corrections amend or repeal DOM Section 54020, to allow inmates sentenced to Life and who remain Disciplinary free for a period of two years be allowed to participate in Family Visiting. Petitioner requests the Department of Corrections amend or repeal DOM Section 54030 to allow all appliances to remain in the inmates possession until no longer operable, allow a third party to be able to purchase Special Purchases, and exclude Musical Instruments as appliances. Petitioner requests the Department of Corrections to adopt or amend California Code of Regulations (CCR), Title 15, Division 3, Section 3177(d)(A), to allow inmates sentenced to Life and who remain Disciplinary free for a period of two years, and those designated as Close B Custody be allowed to participate in Family Visiting.

#### DEPARTMENT DECISION

The Director of Corrections denies the petition to amend or repeal DOM Sections 53110, 54020, and 54030, or amend or adopt regulations in Title 15, Division 3, regarding Family Visiting.

The Petitioner requests to amend or repeal DOM Sections 53110, 54020, and 54030.

Government Code Section 11340.6 specifically states that any interested person may petition to adopt, amend, or repeal a regulation. The Petitioner's request to amend or repeal DOM Sections 53110, 54020, and 54030 does not meet the criteria set forth by the Government Code.

The Petitioner further requests the Department of Corrections adopt or amend the CCR, Title 15, Division 3, Section 3177(d)(A), to allow inmates sentenced to Life and who remain disciplinary free for a period of two years, and those designated as Close B Custody be allowed to participate in Family Visiting.

The Director of Corrections denies the petition to amend the rule to provide any class of inmates described in Section 3177(d)(A) family visiting privileges. Without new statute, case law, or changes in the policies of other public agencies which would compel the regulatory changes requested, CDC lacks the legal or discretionary authority to voluntarily make the changes requested.

Pursuant to CCR, Section 3084.1, any inmate may pursue a remedy through the Inmate Appeal process, which they can demonstrate as having an adverse effect upon their welfare.

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### BOARD OF OCCUPATIONAL THERAPY Post Professional Education

In this regulatory action, the Board of Occupational Therapy amends a regulation pertaining to post professional education and training for occupational therapist advanced practice certification.

Title 16  
California Code of Regulations  
AMEND: 4154  
Filed 05/31/05  
Effective 06/30/05  
Agency Contact: April Freeman (916) 322-3278

#### CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY Children's Hospital Program

This emergency redoption filing readopts the regulations establishing the Children's Hospital Program authorized by the passage of Proposition 61. The program awards grants to eligible children's hospitals for capital improvement projects benefiting critically ill children.

Title 4  
California Code of Regulations  
ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050  
Filed 05/26/05  
Effective 05/26/05  
Agency Contact: Mary Bates (916) 653-3423

#### CALIFORNIA STUDENT AID COMMISSION Conflict of Interest Code

The California Student Aid Commission is amending its conflict of interest code found at title 5, California Code of Regulations, section 30060. The Fair Political Practices Commission approved these changes for filing on March 17, 2005.

Title 5  
California Code of Regulations  
AMEND: 30060

Filed 05/26/05  
Effective 06/25/05  
Agency Contact: Claire Lillie (916) 526-8043

**COMMISSION ON TEACHER CREDENTIALING**  
Specific Requirements for California  
Trained Teachers

The regulatory action deals with the specific requirements for preliminary and professional clear multiple and single subject teaching credentials for applicants prepared in California.

Title 5  
California Code of Regulations  
AMEND: 80413  
Filed 05/26/05  
Effective 06/25/05  
Agency Contact: Dale Janssen (916) 323-5065

**DEPARTMENT OF CORRECTIONS**  
Clothed Body Searches of Inmates

This regulatory action based on operational necessity amends Section 3287 of Title 15 to prohibit the cross-gender clothed body searches of female inmates, except in specified emergency situations.

Title 15  
California Code of Regulations  
AMEND: 3287  
Filed 05/26/05  
Effective 05/26/05  
Agency Contact:  
Bonnie Garibay (916) 322-9702

**DEPARTMENT OF THE YOUTH AUTHORITY**  
Collection of DNA Specimens

The Department proposes the first readoption of two emergency regulations that implement the DNA and Forensic Identification Database and Data Bank Act of 1998, as amended.

Title 15  
California Code of Regulations  
ADOPT: 4141, 4141.1  
Filed 06/01/05  
Effective 06/01/05  
Agency Contact:  
Kymberly Kaslar (916) 262-1390

**FAIR POLITICAL PRACTICES COMMISSION**  
Verification of On-Line Filers

The Fair Political Practices Commission is adopting section 18465.1 of title 2, California Code of Regulations. This section is entitled Verification of Online Filers.

Title 2  
California Code of Regulations  
ADOPT: 18465.1

Filed 05/26/05  
Effective 06/25/05  
Agency Contact: Scott Tocher (916) 322-5660

**NEW MOTOR VEHICLE BOARD**  
Nonsubstantive Grammatical and Gender Neutrality  
Reference Changes

This action makes nonsubstantive, editorial changes to the text, making gender references neutral and using possessive pronouns in references to respondents, franchisees, or entities.

Title 13  
California Code of Regulations  
AMEND: 551.1, 551.6, 555, 558, 560, 561, 580, 583, 585, 586, 595, 597  
Filed 05/31/05  
Effective 06/30/05  
Agency Contact: Cara Peralta (916) 324-6197

**OFFICE OF THE STATE FIRE MARSHAL**  
Exits, Aisles, Ramps, Corridors, and Passageways

This emergency regulatory action adopts rules for placement of alcohol-based hand rubs in specified health care facilities.

Title 19  
California Code of Regulations  
AMEND: 3.11  
Filed 05/26/05  
Effective 05/26/05  
Agency Contact: Ruben Grijalva

**PUBLIC EMPLOYMENT RELATIONS BOARD**  
Unfair Practice Charges and Representation  
Petition Actions

As a result of the enactment of Senate Bill 1102 (Chapter 227, Statutes of 2004), effective August 16, 2004, the Public Employment Relations Board (PERB) has responsibility for the administration and enforcement of the Trial Court Employment Protection and Labor Relations Act (Trial Court Act) and the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act). This filing is a certificate of compliance for an emergency regulatory action which made extensive amendments to existing regulations and adopted a new Chapter 7 and Chapter 8 in order to provide for the filing and processing of unfair practice charges or representation petitions under the Trial Court Act and the Court Interpreter Act.

Title 8  
California Code of Regulations  
ADOPT: 32032, 32033, 32034, 32035, 32606, 32607, 32608, 32609, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81



Filed 05/31/05  
Effective 05/31/05  
Agency Contact: Les Chisholm (916) 327-8383

**SECRETARY OF STATE**

Standards for Proof of Residency or Identity When Proof is Required by Help America Vote Act

In this regulatory action, the Secretary of State readopts an emergency regulation setting forth the standards for proof of voter residency or identity when proof is required under the Help America Vote Act of 2002 (HAVA).

Title 2  
California Code of Regulations  
AMEND: 20107  
Filed 05/27/05  
Effective 05/27/05  
Agency Contact: Lisa B. Niegel (916) 653-3345

**STATE ALLOCATION BOARD**

School Facilities Needs Assessment Grant Program and ERP

This emergency action adopts the regulatory framework for the School Facilities Needs Assessment Grant Program (SFNAGP) and the Emergency Repair Program (ERP) mandated by S.B. 6 (Chap. 899, Stats. 2004).

Title 2  
California Code of Regulations  
ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328, 185  
Filed 05/31/05  
Effective 05/31/05  
Agency Contact: Robert Young (916) 445-0083

**STATE ALLOCATION BOARD**

Leroy F. Greene School Facilities Act of 1998 and DMP

This regulatory action is to provide protection for financial hardship districts under the School Facilities Program when participating in the School Facilities Needs Assessment Grant Program and the Emergency Repair Program. It also amends certain forms to include a certification that a district has established a facilities inspection system which is required beginning in the 2005–2006 fiscal year in order to receive School Facilities Program funds.

Title 2  
California Code of Regulations  
AMEND: 1859.2, 1859.81, 1866  
Filed 05/26/05  
Effective 05/26/05  
Agency Contact: Robert Young (916) 445-0083

**STATE ALLOCATION BOARD**  
Leroy F. Greene School Facilities Act of 1998, Construction Cost Index

This Certificate of Compliance amends the definition of “Class B Construction Cost Index.” (Previous OAL file #05-0223-02E)

Title 2  
California Code of Regulations  
AMEND: 1859.2  
Filed 05/27/05  
Effective 05/27/05  
Agency Contact: Robert Young (916) 445-0083

**STATE WATER RESOURCES CONTROL BOARD**

Amendments to the State Implementation Policy (SIP)

This action updates the State Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP).

Title 23  
California Code of Regulations  
ADOPT: 2917  
Filed 05/31/05  
Effective 05/31/05  
Agency Contact: Dena McCann (916) 323-9690

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN JANUARY 5, 2005  
TO MAY 25, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

05/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1  
05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.164.2  
05/03/05 ADOPT: 20800.1, 20800.2, 20800.3, 20800.4, 20800.5 20800.6, 20800.7, 20800.8, 20800.9, 20801.1, 20801.2, 20801.3 AMEND: 20800, 20801, 20802  
05/02/05 ADOPT: 18640 AMEND: 18941.1, 18946, 18946.1, 18946.2, 18946.4  
04/26/05 AMEND: 1859.2, 1859.42

04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7,  
172.8, 172.9, 172.10  
03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74  
03/02/05 AMEND: 1859.73.2, 1859.145.1  
02/28/05 AMEND: 1859.2  
02/28/05 AMEND: 1859.71.3, 1859.78.5  
02/28/05 AMEND: 1859.2  
02/24/05 AMEND: 211  
02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2  
02/15/05 AMEND: 1859.81  
02/03/05 AMEND: 1859.106  
02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2,  
1859.60, 1859.61, 1859.78.6  
01/31/05 AMEND: 1859.2, 1589.33, 1859.35,  
1859.77.3, 1859.82, 1859.83  
01/26/05 ADOPT: 20107

**Title 3**

05/23/05 AMEND: 3636(a)(c)  
05/16/05 AMEND: 6388  
05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),  
1392.4(j), 1392.9(c), 1392.9(d),  
04/15/05 AMEND: 1446.9(c), 1454.16(c)  
04/04/05 AMEND: 6400  
03/07/05 ADOPT: 1392.8.1(3) AMEND:  
1392.8.1.(2)  
03/01/05 ADOPT: 796, 796.1, 796.2, 796.3, 796.4,  
796.5, 796.6, 796.7, 796.8, 796.9  
AMEND: Article 8 heading REPEAL:  
795.10, 795.13, 795.14, 795.16, 795.17,  
795.19, 795.30, 795.32, 795.33, 795.50  
02/28/05 AMEND: 3430(b)  
02/24/05 AMEND: 1280.2  
02/23/05 AMEND: 3423(b)  
02/15/05 ADOPT: 4603(g)  
02/02/05 AMEND: 3430(b)  
01/21/05 AMEND: 3700 (b)(c)  
01/21/05 ADOPT: 3700  
01/14/05 AMEND: 3700(c)  
01/13/05 AMEND: 3962(a)

**Title 4**

04/27/05 AMEND: 1844, 1845  
04/04/05 ADOPT: 10300, 10302, 10305, 10310,  
10315, 10317, 10320, 10322, 10325,  
10326, 10327, 10328, 10330, 10335,  
10337  
03/22/05 AMEND: 12250, 12270, 12271, 12272  
02/28/05 AMEND: 2424  
02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034,  
7035, 7036, 7037, 7038, 7039, 7040,  
7041, 7042, 7043, 7044, 7045, 7046,  
7047, 7048, 7049, 7050  
02/04/05 AMEND: 1371  
01/28/05 ADOPT: 12270, 12271, 12272

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05/06/05 ADOPT: 18220.2, 18224.2, 18224.4,  
1840.5, 18249 AMEND: 18220, 18240,  
18248  
05/06/05 ADOPT: 19850, 19851, 19852, 19853,  
19854 AMEND: 19813, 19814, 19814.1  
05/06/05 ADOPT: 3075.1, 13075.2, 13075.3,  
13075.4 AMEND: 13075  
05/06/05 ADOPT: 18092.5 AMEND: 18066,  
18069, 18078, 18081, 18083, 18084,  
18092, 18103, 18106, 18109, 18110  
05/05/05 ADOPT: 80021, 80021.1  
04/14/05 AMEND: 19836  
03/24/05 ADOPT: 80307 AMEND: 80300, 80303,  
80310, 80412 REPEAL: 80307  
03/21/05 AMEND: 19828.1  
03/02/05 AMEND: 55607, 59509 REPEAL: 55310  
02/10/05 ADOPT: 19817.1, 19826.1, 19828.1,  
19837 AMEND: 19814, 19814.1, 19817,  
19826, 19828  
02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544,  
9545, 9546, 9547, 9548, 9549, 9550  
01/31/05 AMEND: 80048.3, 80457, 80523.1 RE-  
PEAL: 80413.1  
01/19/05 ADOPT: 19814.1, 19832, 19833, 19834,  
19835, 19836 REPEAL: 19814  
01/10/05 ADOPT: 3088.1, 3088.2

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05/24/05 AMEND: 3999  
05/12/05 AMEND: 9789.11  
04/29/05 AMEND: 3456  
04/28/05 AMEND: 1637  
04/19/05 REPEAL: 16003  
04/14/05 AMEND: 8354, 8397.10, 8397.11,  
8397.12, 8397.13.  
04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,  
9792.10, 9792.11 REPEAL: 9792.6  
04/06/05 AMEND: 230.2  
03/16/05 AMEND: 344.30  
03/08/05 AMEND: 15220, 15220.1, 15220.3,  
15220.4  
03/07/05 AMEND: 5144  
02/28/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,  
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,  
9767.10, 9767.11, 9767.12, 9767.13,  
9767.14  
02/04/05 AMEND: 5146  
01/26/05 AMEND: 3456  
01/26/05 AMEND: 5144  
01/24/05 AMEND: 3427

**Title 9**

03/25/05 ADOPT: 13000, 13005, 13010, 13015,  
13020, 13025, 13030, 13035, 13040,

13045, 13050, 13055, 13060, 13065,  
13070, 13075 AMEND: 9846, 10125,  
10564

01/25/05 AMEND: 9525

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05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11,  
2806, 2807, 2807.1, 2807.2, 2807.3,  
2807.4, 2808, 2809, 2809.1, 2809.2,  
2809.3, 2809.5, 2810, 2810.5, 2811  
AMEND: 2814 REPEAL: 2805, 2805.1,  
2805.1.5, 2806, 2806.5, 2810, 2810.1,  
2810.2, 2810.3, 2810.4, 2810.6, 28

04/29/05 AMEND: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41 REPEAL: 2698.40, 2698.41,  
2698.42, 2698.43, 2698.44, 2698.45

04/01/05 AMEND: 260.140.72, 260.140.72.1,  
260.140.72.5

04/01/05 ADOPT: 2218.60, 2218.61, 2218.62,  
2218.63

03/25/05 AMEND: 1556

03/17/05 ADOPT: 2712 AMEND: 2835, 2840,  
2840.1, 2851, 2930

03/02/05 AMEND: 2318.6, 2353.1, 2354

02/09/05 AMEND: 260.165

01/14/05 AMEND: 2498.6

01/07/05 ADOPT: 2699.6608 AMEND: 2699.100,  
2699.200, 2699.201, 2699.205, 2699.209,  
2699.400, 2699.401, 2699.6500,  
2699.6600, 2699.6606, 2699.6607,  
2699.6611, 2699.6613, 2699.6617,  
2699.6619, 2699.6625, 2699.6631,  
2699.6705, 2699.6715, 2699.6717,  
2699.6725, 2699.

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05/11/05 ADOPT: 61.9

05/09/05 ADOPT: 28.4

05/04/05 AMEND: 51.7

05/04/05 AMEND: 51.2

05/04/05 ADOPT: 61.8

05/04/05 ADOPT: 51.25

05/04/05 ADOPT: 51.23

05/03/05 AMEND: 51.12

05/03/05 AMEND: 51.15

05/03/05 AMEND: 51.14

05/03/05 AMEND: 51.24

03/30/05 AMEND: 970, 970.1, 971, 972, 972.1,  
972.2, 972.4, 972.5, 972.6, 972.7, 972.9,  
973, 973.1, 974, 974.1, 975, 975.1, 975.2,  
975.3 975.4, 975.5, 975.6, 976, 976.1,  
976.2, 976.3, 976.4 REPEAL: 975.1

03/30/05 ADOPT: 2037, 2038 AMEND: 2010,  
2037, 2038, 2050

03/15/05 ADOPT: 996

02/18/05 AMEND: 63.5

02/16/05 AMEND: 995.5

01/26/05 AMEND: 1080

01/19/05 ADOPT: 968.97, 968.99 AMEND:  
968.20, 968.35, 968.44, 968.60

01/05/05 ADOPT: 51.22

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02/16/05 AMEND: 503(f)

**Title 13**

05/03/05 ADOPT: 159.10

03/30/05 AMEND: 25.15, 25.18, 25.19, 25.22

03/21/05 ADOPT: 2011 AMEND: 2180.1, 2181,  
2184, 2185, 2186, 2192, 2194

03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5,  
2262.6, 2262.9, 2263, 2265, 2266.5

02/22/05 AMEND: 220.04, 220.12, 221.12

02/08/05 AMEND: 330.32

02/02/05 AMEND: 124.92, 124.93

01/31/05 AMEND: 1956.1, 1956.2, 1956.3, 1956.4

01/27/05 ADOPT: 2485

01/26/05 ADOPT: 15.07

01/07/05 AMEND: 1969

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05/12/05 AMEND: 120.01

05/12/05 AMEND: 180.3

05/11/05 AMEND: 601

05/11/05 AMEND: 180.15

05/11/05 AMEND: 231

05/11/05 AMEND: 150.05

05/11/05 AMEND: 150.03

05/10/05 AMEND: 150

05/10/05 AMEND: 551

05/10/05 AMEND: 150.02

05/05/05 AMEND: 165

04/25/05 ADOPT: 18456.2.1, 18460.2.1 AMEND:  
18449, 18450, 18451, 18456, 18459,  
18459.1, 18459.2.1, 18459.3, 18461,  
18462

04/25/05 ADOPT: 1038(i) AMEND: 1038(e)

04/25/05 AMEND: 851.23

04/22/05 AMEND: 149.1

04/19/05 AMEND: 670.2

04/13/05 AMEND: 2030, 2305, 2310, 2505, 2960

04/11/05 ADOPT: 4970.02, 4970.03, 4970.04,  
4970.05, 4970.06, 4970.07, 4970.08,  
4970.09, 4970.10, 4970.11, 4970.12,  
4970.13, 4970.14, 4970.15, 4970.16,  
4970.17, 4970.18, 4970.19, 4970.20,  
4970.21 AMEND: 4970.00, 4970.01 RE-  
PEAL: 4970.02, 4970.03, 4970.04,  
4970.05

04/07/05 ADOPT: 1.71 AMEND: 2.09, 2.10, 5.00

04/04/05 AMEND: 119900

03/30/05 AMEND: 825.03, 825.05, 826.01,  
826.03, 829.04, 829.05, 827.02

03/30/05 AMEND: 852, 852.2, 852.3

03/28/05 ADOPT: 53.00, 53.01, 53.02, 53.03,  
149.1, 149.3 AMEND: 149  
03/25/05 ADOPT: 745.5 AMEND: 746  
03/14/05 AMEND: 150  
03/08/05 AMEND: 29.05, 29.40, 30.00, 120.7,  
122, 123, 149, 165, 180, 630, 632, 747  
REPEAL: 27.20, 27.25, 27.30, 27.35,  
27.40, 27.42, 27.45, 27.50, 27.51, 630.5  
03/01/05 AMEND: 52.10, 150.16  
02/28/05 AMEND: 670.5  
02/28/05 ADOPT: 125  
02/22/05 ADOPT: 1052.4 AMEND: 895.1, 1052,  
1052.1  
01/31/05 AMEND: 17943, 17944  
01/28/05 ADOPT: 3806.3, 3806.5  
01/11/05 ADOPT: 25201  
01/10/05 ADOPT: 800.6 AMEND: 800, 800.5,  
801, 802  
01/07/05 ADOPT: 1038(i) AMEND: 1038(e)

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03/01/05 ADOPT: 3999.1.8, 3999.1.9, 3999.1.10,  
3999.1.11  
01/31/05 ADOPT: 3436  
01/31/05 ADOPT: 4141, 4141.1  
01/25/05 ADOPT: 4750, 4750.1 AMEND: 4751  
01/06/05 AMEND: 2000, 2400, 2403

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05/12/05 AMEND: 1491  
05/10/05 ADOPT: 2293, 2294  
04/28/05 ADOPT: 1070.3  
04/25/05 AMEND: 1805.1, 1807, 1807.2, 1811,  
1816, 1816.1, 1816.4, 1833, 1833.1,  
1833.2, 1846, 1846.1, 1850.7, 1874,  
1886, 1887.4, 1887.9, 1889, 1889.1,  
1889.2, 1889.3  
04/21/05 AMEND: 1399.155  
04/21/05 AMEND: 1398.38  
04/14/05 AMEND: 54.1, 54.2  
04/14/05 AMEND: 1398.30  
04/14/05 AMEND: 1071, 1083  
03/28/05 AMEND: 1399.688  
03/17/05 ADOPT: 869.1, 869.2, 869.3, 869.4,  
869.5  
03/16/05 ADOPT: 4160, 4161, 4162, 4163  
03/08/05 ADOPT: 2624.1 AMEND: 2604, 2615,  
2624  
03/08/05 ADOPT: 4200, 4202, 4204, 4206, 4208,  
4210, 4212, 4216, 4218, 4220, 4222,  
4224, 4226, 4230, 4232, 4234, 4236,  
4240, 4242, 4244, 4246, 4248, 4250,  
4252, 4254, 4256, 4258, 4260, 4262,  
4264, 4266, 4268  
03/07/05 ADOPT: 1358.1  
03/07/05 ADOPT: 2755 AMEND: 2756  
03/03/05 AMEND: 1399.500, 1399.501, 1399.502,  
1399.506, 1399.512, 1399.521, 1399.530,

1399.543, 1399.546 REPEAL: 1399.519,  
1399.522, 1399.553, 1399.554, 1399.555

03/01/05 AMEND: 1005  
01/31/05 AMEND: 1319, 1319.4, 1321, 1322,  
1326, 1328, 1329, 1351  
01/24/05 AMEND: 1379.20  
01/20/05 AMEND: 3008, 3031, 3041, 3042,  
3062.1  
01/13/05 AMEND: 1588  
01/12/05 ADOPT: 1355.35  
01/06/05 ADOPT: 1042, 1042.1, 1042.2, 1042.3,  
1042.3, 1042.4, 1042.5, 1042.6

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05/18/05 AMEND: 50604, 50605, 54310, 54320,  
54326, 54332, 54335  
05/12/05 ADOPT: 1029.117, 1029.134, 1031.8,  
1031.9, 1032.5, 1035.3, 1035.4  
05/02/05 ADOPT: 50243, 50245, 50247, 50249,  
50251, 50253, 50255, 50257, 50259,  
50261, 50262, 50263, 50265, 50267  
04/26/05 AMEND: 3030  
04/04/05 AMEND: 93115  
03/30/05 ADOPT: 54351, 58800, 58811, 58812,  
AMEND: 54302, 54310, 54320, 54370  
03/24/05 AMEND: 94011  
03/03/05 ADOPT: 90805, 90806 AMEND:  
90800.8, 90803  
02/09/05 ADOPT: 93116, 93116.1, 93116.2,  
93116.3, 93116.4, 93116.5  
01/13/05 ADOPT: 1029.117, 1029.134, 1031.8,  
1031.9, 1032.5, 1035.3, 1035.4  
01/06/05 AMEND: 94011

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05/05/05 AMEND: 18522, 18526, 18523, 18530  
05/04/05 AMEND: 6001  
04/29/05 ADOPT: 4056.1  
04/07/05 AMEND: 1703  
03/30/05 AMEND: 5041, 5073, 5076, 5082.2  
03/18/05 AMEND: 1566  
03/18/05 AMEND: 27  
03/15/05 ADOPT: 20501, 20502, 20503, 20504,  
20505  
03/08/05 AMEND: 1610  
03/03/05 AMEND: 1620  
02/18/05 AMEND: 305.3  
02/17/05 AMEND: 1045  
02/16/05 AMEND: 1525.2  
02/15/05 AMEND: 1525.3  
02/08/05 AMEND: 1802  
01/28/05 AMEND: 25130, 25137  
01/13/05 AMEND: 1825  
01/13/05 AMEND: 1589  
01/12/05 AMEND: 1805  
01/11/05 AMEND: 1630



01/07/05 AMEND: 18001-1  
 01/06/05 AMEND: 1619  
 01/06/05 AMEND: 1603

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03/01/05 AMEND: 2703(d), 2705(b), 2705 (Emergency Release Follow-Up Notice Reporting Form Instructions)

**Title 20**

03/16/05 AMEND: 1601, 1602, 1603, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608  
 03/07/05 ADOPT: 2.3.1 AMEND: 8.2  
 02/22/05 ADOPT: 2.3.1 AMEND: 1.1, 2.2, 2.3, 8.2, 14.5, 15, 17.1, 30, 31, 45, 47, 48, 51.1, 75, 77.2, 82, 86.2, 88  
 01/31/05 AMEND: 1345, 1347, 1348

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05/17/05 AMEND: 66250.1, 66250.2  
 05/05/05 ADOPT: 97251, 97252, 97253, 97254, 97255, 97256, 97257, 97258, 97259, 97260, 97261, 97262, 97263, 97264, 97265 AMEND: 97210, 97211, 97212, 97213, 97215, 97216, 97218, 97219, 97220, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97230, 97  
 04/21/05 AMEND: Appendix  
 04/11/05 AMEND: 111430  
 04/11/05 AMEND: 66260.201  
 03/24/05 AMEND: 70577, 70717, 71203, 71517, 71545  
 03/23/05 ADOPT: 96000, 96005, 96010, 96015, 96020, 96025  
 03/23/05 ADOPT: 50960.2, 50960.4, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.36, 50961, 50965 AMEND: 50962, 50963, 50964 REPEAL: 50960, 50961  
 03/14/05 AMEND: 926.3, 926.4, 926.5  
 03/10/05 AMEND: 70217  
 03/03/05 REPEAL: 12901

01/27/05 ADOPT: 51000.10.1, 51000.15.1, 51000.20.9, 51000.31, 51000.51, 51000.52, 51000.53, 51000.60 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000.35, 51000.40, 51000.45, 51000.50, 51000.55, 51051, 51451

01/13/05 AMEND: 66262.34, 66264.145, 66266.103, 66268.7, 66268.34, 66270.60, 66271.33, 67391.1

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05/23/05 ADOPT: 3939.14  
 05/17/05 AMEND: 645  
 03/28/05 AMEND: 2611  
 03/11/05 ADOPT: 3944.1  
 02/08/05 ADOPT: 3939.12  
 01/21/05 ADOPT: 3965  
 01/05/05 ADOPT: 3939.12

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05/09/05 AMEND: 80044, 80045, 80066, 80070, 84063, 87344, 87345, 87566, 87570, 87571, 87725, 87725.12, 87844, 87866, 87870, 88069.7, 88070, 89119, 89182, 89244, 89245, 89370, 89566, 101200, 101201, 101217, 101221, 102391, 102392

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04/25/05 AMEND: 7056, 7060, 7062.1, 7064, 7066, 7078.4  
 04/14/05 ADOPT: 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347  
 04/07/05 AMEND: 6935, 6935.2  
 02/02/05 ADOPT: 1338.1, 1443.1 AMEND: 1338

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02/03/05 AMEND: 1000

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04/22/05 AMEND: 42-101  
 02/16/05 ADOPT: 31-503 AMEND: 31-206, 45-201  
 01/25/05 AMEND: 63-300, 63-504

